

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>In re Application of:</b>	<b>Brian J. Brown, Michael Davis, David Friesen, Timothy J. Ley and Sean Skubitz</b>
<b>Application No.:</b>	<b>10/800572</b>
<b>Filed:</b>	<b>March 15, 2004</b>
<b>For:</b>	<b>Improved Longitudinally Flexible Expandable Stent</b>
<b>Group Art Unit:</b>	<b>3773</b>

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No.: S63.2N-6769-US05

## TRANSMITTAL LETTER

1. In regard to the above-identified application, in addition to this 1 page transmittal letter, we are submitting the attached: **2 page Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences; and 1 page Petition for an Extension of Time.**
2. With respect to fees, **a \$510 fee for Filing a Notice of Appeal was previously paid on July 28, 2008 and an additional \$30.00 (fee deficiency) was paid October 16, 2009 when a second Notice of Appeal was filed.** The previously paid fees are applicable here because the application did not reach the Appeal Board. Please charge any fee deficiency to Deposit Account No. 22-0350.
3. **CONDITIONAL PETITION FOR EXTENSION OF TIME**  
This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.
4. **Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the Commissioner, please charge the additional fees to Deposit Account No. 22-0350. Please charge any additional fees associated with this communication to the Deposit Account No. 22-0350.**
5. **Certification:** I hereby certify that this Transmittal Letter and the paper(s) as described herein are being transmitted electronically to the USPTO on January 25, 2011.

Respectfully submitted,  
VIDAS, ARRETT & STEINKRAUS

Date: January 25, 2011

By: /Jeremy G Laabs/  
Jeremy G. Laabs  
Registration No.: 53170

6640 Shady Oak Rd., Suite 400  
Eden Prairie, MN 55344-7834  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001  
f:\wpwork\jgl\06769us05\_tra\_20110125.doc